

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MEMO ENDORSED

BENJAMIN M. LAWSKY, Superintendent of  
Financial Services of the State of New York,

Case No.: 14 Civ. 2863(CM)

Plaintiff,

NOTICE OF MOTION FOR  
RECUSAL PURSUANT TO  
28 U.S.C. § 455(A)

-against-

CONDOR CAPITAL CORPORATION and  
STEPHEN BARON,

Defendants.

-and-

WELLS FARGO BANK, N.A., as Agent for  
Certain Financial Institutions as Lenders,

Intervenor.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 11/24/15

TO: ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE THAT, upon the accompanying (i) Memorandum of Law in Support of Defendant's Motion to Recuse; and (ii) Affidavit of Paul R. Niehaus and the exhibits thereto, and upon all prior pleadings in this matter, Defendant Stephen Baron will move this Court, as soon as he may be heard, for an Order pursuant to 28 U.S.C. § 455(a), recusing the Honorable Colleen McMahon from further participation in this matter, and reassigning the matter to a randomly-selected Judge of this District pursuant to Rule 16 of the Southern District's Rules for the Division of Business Among District Judges.

Motion DENIED. The Clerk will  
Removal Order # 231 from  
the Court. List of open motions.

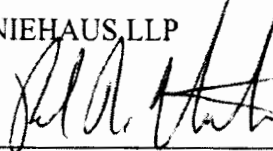
11/24/2015

The motion for recusal  
is simply and totally without  
merit. The defendant admits  
that there is no actual bias on the  
part of the court. There is any appearance of  
bias. If defendant's appearance of  
bias is any appearance of  
bias, the court is taking  
him free to  
appeal them  
Clerk Phil  
11/25

PLEASE TAKE FURTHER NOTICE THAT, pursuant to Judge McMahon's Individual Practices and Procedures, papers in opposition to the Motion must be filed no later than December 7, 2015, and that papers in reply, if any, must be filed no later than December 14, 2015.

Dated: November 23, 2015

NIEHAUS, LLP

A handwritten signature in black ink, appearing to read 'Paul R. Niehaus', is written over a horizontal line.

Paul R. Niehaus  
750 Lexington Ave., 25<sup>th</sup> Floor  
New York, New York 10022  
(212) 631-0223  
pniehaus@niehausllp.com